

1 SCOTT J. HYMAN (State Bar No. 148709)
sjh@severson.com
2 ADAM A. HUTCHINSON (State Bar No. 190992)
aah@severson.com
3 GREGORY E. EISNER (State Bar No. 190135)
gee@severson.com
4 SEVERSON & WERSON
A Professional Corporation
5 The Atrium
19100 Von Karman Avenue, Suite 700
6 Irvine, California 92612
Telephone: (949) 442-7110
7 Facsimile: (949) 442-7118

8 Attorneys for Defendant
FORD MOTOR CREDIT COMPANY, LLC
9

10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**
12

13 COURTNEY CHAVEZ and CARTER
CHAVEZ,

14 Plaintiffs,

15 vs.

16 FORD MOTOR CREDIT COMPANY
17 LLC; EQUIFAX INFORMATION
SERVICES LLC.; EXPERIAN
18 INFORMATION SOLUTIONS, INC.;
TRANS UNION LLC; and DOES 1-10
19 inclusive,

20 Defendants.
21

Case No.

**NOTICE OF REMOVAL
PURSUANT TO 28 U.S.C. SECTION
1441 (FEDERAL QUESTION
JURISDICTION)**

22 TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR
23 THE EASTERN DISTRICT OF CALIFORNIA AND ALL PARTIES AND THEIR
24 ATTORNEYS OF RECORD:

25 Defendant Ford Motor Credit Company, LLC (“Ford Credit”) hereby
26 removes the above-captioned action from the Superior Court of the State of
27 California, County of Fresno, to the United States District Court for the Eastern
28 District of California. Ford Credit alleges that it is entitled to removal pursuant to

1 28 U.S.C. section 1331, based upon federal question jurisdiction, as follows:

2 1. Ford Credit is named as a defendant in the civil action filed on or about
3 July 5, 2023 by Plaintiffs Courtney Chavez and Carter Chavez (collectively,
4 “Plaintiffs”) in the Superior Court of the State of California, County of Fresno, case
5 number: 23CECG02678, entitled *Chavez v. Ford Motor Credit Company, LLC, et*
6 *al.* (the “State Court Action”). The Complaint in the State Court Action purports to
7 allege two causes of action: (1) Violation of Consumer Legal Remedies Act (Cal.
8 Business & Professions Code §§ 1750 *et seq.*); (2) Violation of the California
9 Consumer Credit Reporting Agencies Act (Cal.Code of Civ. Pro. § 1785 *et seq.*);
10 and (3) Violation of the Fair Credit Reporting Agencies Act (15 U.S.C. § 1681 *et*
11 *seq.*). Copies of all pleadings and documents received to date by Ford Credit in the
12 State Court Action are attached hereto as Exhibit A.

13 2. Based on the complaint, this action is a civil action of which this Court
14 has original jurisdiction under 28 U.S.C. section 1331 and is one which may be
15 removed to this Court by Ford Credit pursuant to the provisions of 28 U.S.C. section
16 1441(b) because it arises under the federal Fair Credit Reporting Agencies Act, 15
17 U.S.C. 1681, *et seq.* (See Complaint, Third Cause of Action.)

18 3. This Court has supplemental jurisdiction over all other claims asserted
19 by Plaintiff in accordance with 28 U.S.C. section 1367(a).

20 4. In the State Court Action, Plaintiffs have not filed a proof of service
21 pertaining to any defendant. Nonetheless, all defendants have consented to join in
22 Ford Credit’s removal of this action. (*Proctor v. Vishay Intertechnology, Inc.*, 584
23 F.3d 1208, 1225 (9th Cir. 2009).) No other defendants are named in the State Court
24 Action.

25 5. Removal of this action is timely, as it is filed within 30 days of service
26 of the complaint upon Ford Credit on January 12, 2023.

27 6. None of the defendants have filed answers or otherwise responded to
28 Plaintiff’s complaint in the State Court Action.

1 7. Removal to this district court is proper because this is the district which
2 embraces the county in which Plaintiff filed the State Court Action. See 28 U.S.C. §
3 1441(a).

4 8. As required by 28 U.S.C. section 1446(d), Ford Credit will provide
5 written notice of the removal of this action to all parties, and to the Fresno County
6 Superior Court.

7 9. WHEREFORE, Ford Credit prays that the State Court Action be
8 removed from state court to this Court and that this Court assume jurisdiction over
9 the action and determine it on the merits.

10
11 DATED: August 11, 2023

SEVERSON & WERSON
A Professional Corporation

12
13
14 By: /s/ Gregory E. Eisner
15 GREGORY E. EISNER

16
17 Attorneys for Defendant
FORD MOTOR CREDIT COMPANY, LLC